

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**DAVIOUS MARQUES BOYD,**

**Plaintiff,**

**v.**

**INMATE PAUL BAILEY, et al.,**

**Defendants.**

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**Case No. 5:22-cv-00447-TES-CHW**

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**ORDER**

*Pro se* Plaintiff Davious Boyd, a prisoner at Riverbend Correctional Facility in Milledgeville, Georgia, filed a document that was docketed as a 42 U.S.C. § 1983 complaint. ECF No. 1. Plaintiff did not pay the \$402.00 filing fee or submit a motion to proceed *in forma pauperis*.

On December 29, 2022, Plaintiff was ordered to recast his complaint on a standard § 1983 form and to either submit a motion to proceed *in forma pauperis* on a standard form along with a certified account statement or pay the full filing fee. ECF No. 7. Plaintiff was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of his action. *Id.* Plaintiff failed to comply with the Court's order.

Therefore, on January 31, 2023, the Court notified Plaintiff that he failed to respond to an order of the Court. ECF No. 8. Plaintiff was ordered to show cause why his action should not be dismissed for failure to comply with the Court's order. *Id.* The Court unambiguously informed Plaintiff that his action would be dismissed if he failed to respond. *Id.* Plaintiff was given fourteen (14) days to respond and he has failed to do so.

Due to Plaintiff's failure to follow the Court's Orders and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

**SO ORDERED**, this 22nd day of February, 2023.

S/ Tilman E. Self, III

TILMAN E. SELF, III., JUDGE  
UNITED STATES DISTRICT COURT